

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : R. Fischer et al.
Serial No. : 10/579,099
Filed : March 22, 2007
For : 2-ETHYL-4,6-DIMETHYL-PHENYL-SUBSTITUTED
TETRAMIC ACID DERIVATIVES AS PEST CONTROL AGENTS
AND/OR HERBICIDES
Group Art Unit : 1626
Examiner : RODRIGUES-GRACIA VALERIE

DECLARATION

Dr. Isolde Haeuser-Hahn hereby declares:

- that she is a biologist having studied at the University of Kiel, Germany;
- that she received her doctor's degree in biology at the University of Kiel, Germany in 1986;
- that she entered the employ of Bayer in 1988;
- that she has specialized in plant protection (phytopharmacology);
- that the following tests have been carried out under her supervision and direction.

BCS 03-3060- US

Herbicidal post-emergence action

Seeds of monocotyledonous and dicotyledonous weed and crop plants are placed into sandy loam in wood fibre pots, covered with soil and cultivated in a greenhouse under good growth conditions. 2 - 3 weeks after sowing, the test plants are treated at the one-leaf stage. The test compounds, formulated as wettable powders (WP), are, in various dosages with a water application rate of 600 l/ha (converted), with 0.2% of wetting agent added, sprayed onto the green parts of the plants. After the test plants were kept in the greenhouse under optimum growth conditions for about 3 weeks, the effect of the preparations is rated visually in comparison to untreated controls (herbicidal effect in per cent (%): 100% effect = the plants have died, 0% effect = like control plants).

Herbicidal pre-emergence action

Seeds of monocotyledonous and dicotyledonous weed and crop plants are placed into sandy loam in wood fibre pots and covered with soil. The test compounds, formulated in the form of wettable powders (WP) or emulsion concentrates (EC), are then, as an aqueous suspension with a water application rate of 800 l/ha (converted), with 0.2% of wetting agent added, applied to the surface of the covering soil.

After the treatment, the pots are placed in a greenhouse and kept under good growth conditions for the test plants. The visual assessment of the emergence damage on the test plants is carried out after a trial period of 3 weeks by comparison with untreated controls (herbicidal effect in per cent (%): 100% effect = the plants have died, 0% effect = like control plants).

			Test type	Dosage	Unit	ALOMY	AVEFA	ECHCG	LOTMU	SEPM
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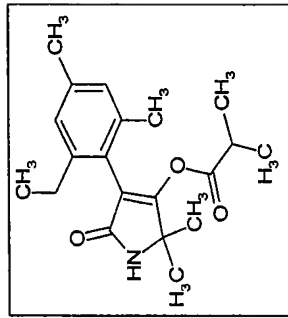
Ex. 329 Known from EP-456063 PO 80 g/ ha 10 0 60 70 80

Ex. I-b-2 according to invention PO 80 g/ ha 100 90 100 100 90

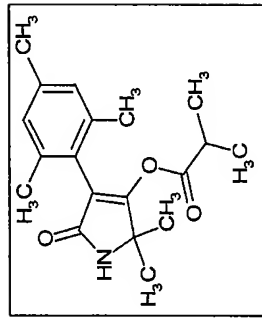
Ex. 329 known from EP-456063 PE 80 g/ ha 20 100 0

Ex. I-b-2 according to invention PE 80 g/ ha 100 100 70

Ex. 1-b-2:

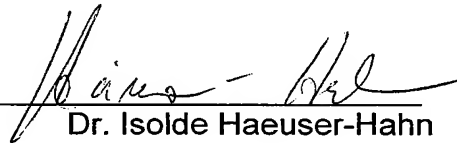


Ex. 329:



The undersigned declarant hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2009-07-17
Date


Dr. Isolde Haeuser-Hahn